SENATE . . . . No.

The Commonwealth of Massachusetts

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PRESENTED BY:

John F. Keenan

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To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act expanding access to commuter transit benefits offered by employers.

_____

PETITION OF:

NAME:	DISTRICT/ADDRESS:
John F. Keenan	*Norfolk and Plymouth*

SENATE . . . . No.

The Commonwealth of Massachusetts

_____

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

_____

An Act expanding access to commuter transit benefits offered by employers.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1   SECTION 1. Chapter 149 of the General Laws, as appearing in the 2022 Official Edition,

2   is hereby amended by inserting after section 203 the following section:-

3   Section 204 (a) As used in this section, the following words, unless the context clearly

4   requires otherwise, shall have the following meanings:-

5   "Employee", shall have the same meaning as provided in clause (h) of section 1 of

6   chapter 151A.

7   "Employer", shall have the same meaning as provided in subsection (i) of section 1 of

8   chapter 151A; except the United States government shall not be considered an employer;

9   provided, however, that an individual employer shall be determined by the Federal Employer

10   Identification Number.

11   "Pre-tax transportation fringe benefit," a pre-tax election transportation fringe benefit that

12   provides commuter highway vehicle and transit benefits, consistent with the provisions and

13   limits of section 132(f)(1)(A), (B), and (D) of the United States Internal Revenue Code of 1986

14   (26 U.S.C. s.132(f)(1)(A), (B), and (D)) at the maximum benefit levels allowable under federal

15   law, to be deducted for those programs from an employee's gross income pursuant to section

16   132(f)(2) of the United States Internal Revenue Code of 1986 (26 U.S.C. s.132(f)(2)).

17   (b) Every employer in the commonwealth of Massachusetts that employs at least 50

18   persons shall offer to all of that employer's employees, that are not covered by a collective

19   bargaining agreement, the opportunity to utilize a pre-tax transportation fringe benefit; provided,

20   nothing herein shall prevent an employer and employees covered by a collective bargaining

21   agreement from bargaining to include a pre-tax transportation fringe benefit in such agreement.

22   (c) Any employer found to be in violation of this section shall be liable for a fine of $100

23   for a first violation. For each additional month in which an employer fails to offer a pre-tax

24   transportation fringe benefit shall constitute a subsequent violation and a fine of $250 shall be

25   imposed for each subsequent violation. A fine shall not be imposed on any individual employer

26   more than once in a month.

27   (d) The department of revenue shall direct a public multilingual awareness campaign in

28   conjunction with the Massachusetts Bay Transportation Authority that encourages the public to

29   contact employers about pre-tax transportation fringe benefits and shall coordinate such

30   campaign with regional planning agencies, transportation management associations, regional

31   transportation authorities, chambers of commerce, private and non-profit providers of public

32   transportation, and other transportation stakeholders. The department of revenue shall prepare

33   and disseminate model multilingual written materials to be used by employers to notify

34   employees of the pre-tax transportation fringe benefits offered.

35   (e) The commissioner of the department of revenue shall adopt regulations to ensure

36   compliance and implementation of the provisions of this section, including but not limited to, a

37   process by which employees and others can confidentially report non-compliant employers.

38   SECTION 2. Subsection (c) of Section 1 shall take effect one year after the passage of

39   this act.